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Dated: 7-21-03

Signature: 

(Anthony Solerich)

Docket No.: 342312003801

(PATENT)

#9
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Larry A. LAREW, et al

Application No.: 09/942,458

Group Art Unit: 1654

Filed: August 29, 2001

Examiner: R. Teller

For: ECHINOCANDIN/CARBOHYDRATE
COMPLEXES

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed July 3, 2003 (Paper No. 8) for which a response is due on August 2, 2003. Accordingly this response is timely filed.

The Examiner has required restriction between:

I. Claims 1-6 and 20-23, drawn to an echinocandin/ carbohydrate complex, classified in class 514, subclass 9.

II. Claims 7-19, drawn to a method of making the echinocandin/ carbohydrate complex, classified in class 514, subclass 9.

III. Claims 24-27, drawn to a method of treating fungal infection, classified in class 435, subclass 178.

Applicant hereby elects Group I, without traverse. Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 342312003801. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated July 21, 2003

Respectfully submitted,

By 

Kimberly A. Bolin

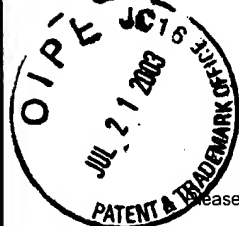
Registration No.: 44,546

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07-23-03

1654

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/942,458	
	Filing Date	August 29, 2001	
	First Named Inventor	Larry A. LAREW	
	Group Art Unit	1654	
	Examiner Name	R. Teller	
Total Number of Pages in This Submission	3	Attorney Docket Number	342312003801

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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (Response to Restriction Requirement) - 2 pages	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	MORRISON & FOERSTER LLP Kimberly A. Bolin - 44,546 (Customer Number 25226)
Signature	
Date	July 21, 2003

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Dated: 7-21-03	Signature: (Anthony Soljanich)